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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 CONOPCO, INC. d/b/a UNILEVER,

Case No. 2:12-CV-10591-JAK-JCx

14 Plaintiff,

15 vs.

ANSWER

16 P.E. RUBALOFF CO., INC.,
17 KAREN RUBALOFF, AND
18 PHILLIP RUBALOFF,

19 Defendants.

20 Defendants, by their attorneys, respond to the allegations contained in the
21 Complaint as follows:

22 1. Paragraph 1 of the Complaint does not contain factual allegations
23 which require response. To the extent that a response is deemed to be required,
24 Defendants deny each such allegation.

25 2. Defendants admit that this Court has subject matter and personal
26 jurisdiction and that venue is proper as alleged in Paragraph 2 of the Complaint.

27 3. Defendants deny the factual allegations contained in Paragraph 3 of
28 the Complaint.

4. Defendants admit that they are residents of the State of California;
and may reasonably anticipate being brought into a California court. Defendants

1 deny the remaining allegations contained in Paragraph 4 of the Complaint.

2 5. Defendants admit that this Court has personal jurisdiction over
3 Defendants, that they reside in California; and purposefully avail themselves of
4 the laws of California. Defendants deny the remaining allegations contained in
5 Paragraph 5 of the Complaint.

6 6. Defendants deny the allegations contained in Paragraph 6 of the
7 Complaint.

8 7. Defendants admit that they have availed themselves of the benefits
9 of doing business in California and that they may reasonably anticipate being
10 brought into a California court as alleged in Paragraph 7 of the Complaint.

11 8. Defendants admit the allegations contained in Paragraph 8 of the
12 Complaint.

13 9. Defendants are without knowledge or information sufficient to form
14 a belief as to the allegations contained in Paragraph 9 of the Complaint and
15 therefore deny same.

16 10. Defendants admit the allegations contained in Paragraph 10 of the
17 Complaint.

18 11. Defendants deny the allegations contained in Paragraph 11 of the
19 Complaint.

20 12. Defendants admit the allegations contained in Paragraph 12 of the
21 Complaint.

22 13. Defendants are without knowledge or information sufficient to form
23 a belief as to the allegations contained in Paragraph 13 of the Complaint and
24 therefore deny same.

25 14. Defendants are without knowledge or information sufficient to form
26 a belief as to the allegations contained in Paragraph 14 of the Complaint and
27 therefore deny same.

28 15. Defendants are without knowledge or information sufficient to form

1 a belief as to the allegations contained in Paragraph 15 of the Complaint and
2 therefore deny same, except that Defendants admit that copies of certificates of
3 trademark registrations are attached to the Complaint as Exhibit 1.

4 16. Defendants admit the allegations contained in Paragraph 16 of the
5 Complaint.

6 17. Defendants are without knowledge or information sufficient to form
7 a belief as to the allegations contained in Paragraph 17 of the Complaint and
8 therefore deny same.

9 18. Defendants are without knowledge or information sufficient to form
10 a belief as to the allegations contained in Paragraph 18 of the Complaint and
11 therefore deny same.

12 19. Defendants admit the allegations contained in Paragraph 19 of the
13 Complaint.

14 20. Defendants are without knowledge or information sufficient to form
15 a belief as to the allegations contained in Paragraph 20 of the Complaint and
16 therefore deny same.

17 21. Defendants are without knowledge or information sufficient to form
18 a belief as to the allegations contained in Paragraph 21 of the Complaint and
19 therefore deny same.

20 22. Defendants are without knowledge or information sufficient to form
21 a belief as to the allegations contained in Paragraph 22 of the Complaint and
22 therefore deny same.

23 23. Defendants deny the allegations contained in Paragraph 23 of the
24 Complaint.

25 24. Defendants deny the allegations contained in Paragraph 24 of the
26 Complaint.

27 25. Defendants deny the allegations contained in Paragraph 25 of the
28 Complaint.

1 26. Defendants deny the allegations contained in Paragraph 26 of the
2 Complaint.

3 27. Defendants deny the allegations contained in Paragraph 27 of the
4 Complaint.

5 28. Defendants deny the allegations contained in Paragraph 28 of the
6 Complaint.

7 29. Defendants deny the allegations contained in Paragraph 29 of the
8 Complaint.

9 30. Defendants deny the allegations contained in Paragraph 30 of the
10 Complaint.

11 31. Defendants deny the allegations contained in Paragraph 31 of the
12 Complaint.

13 32. Defendants deny the allegations contained in Paragraph 32 of the
14 Complaint.

15 33. Defendants deny the allegations contained in Paragraph 33 of the
16 Complaint.

17 34. Defendants deny the allegations contained in Paragraph 34 of the
18 Complaint.

19 35. Defendants deny the allegations contained in Paragraph 35 of the
20 Complaint.

21 36. Defendants deny the allegations contained in Paragraph 36 of the
22 Complaint.

23 37. Defendants deny the allegations contained in Paragraph 37 of the
24 Complaint.

25 38. Defendants deny the allegations contained in Paragraph 38 of the
26 Complaint.

27 39. Defendants deny the allegations contained in Paragraph 39 of the
28 Complaint.

1 40. Defendants deny the allegations contained in Paragraph 40 of the
2 Complaint.

3 41. Defendants deny the allegations contained in Paragraph 41 of the
4 Complaint.

5 42. Defendants deny the allegations contained in Paragraph 42 of the
6 Complaint.

7 43. Defendants restate and incorporate herein their responses to
8 Paragraphs 1 through 42 of the Complaint.

9 44. Defendants deny the factual allegations contained in Paragraph 44 of
10 the Complaint.

11 45. Defendants deny the factual allegations contained in Paragraph 45 of
12 the Complaint.

13 46. Defendants deny the factual allegations contained in Paragraph 46 of
14 the Complaint.

15 47. Defendants deny the factual allegations contained in Paragraph 47 of
16 the Complaint.

17 48. Defendants deny the factual allegations contained in Paragraph 48 of
18 the Complaint.

19 49. Defendants restate and incorporate herein their responses to
20 Paragraphs 1 through 48 of the Complaint.

21 50. Defendants deny the factual allegations contained in Paragraph 50 of
22 the Complaint.

23 51. Defendants deny the factual allegations contained in Paragraph 51 of
24 the Complaint.

25 52. Defendants deny the factual allegations contained in Paragraph 52 of
26 the Complaint.

27 53. Defendants deny the factual allegations contained in Paragraph 53 of
28 the Complaint.

1 54. Defendants restate and incorporate herein their responses to
2 Paragraphs 1 through 53 of the Complaint.

3 55. Defendants are without knowledge or information sufficient to form
4 a belief as to the allegations contained in Paragraph 55 of the Complaint and
5 therefore deny same.

6 56. Defendants deny the factual allegations contained in Paragraph 56 of
7 the Complaint.

8 57. Defendants are without knowledge or information sufficient to form
9 a belief as to the allegations contained in Paragraph 57 of the Complaint and
10 therefore deny same.

11 58. Defendants are without knowledge or information sufficient to form
12 a belief as to the allegations contained in Paragraph 58 of the Complaint and
13 therefore deny same.

14 59. Defendants deny the factual allegations contained in Paragraph 59 of
15 the Complaint.

16 60. Defendants deny the factual allegations contained in Paragraph 60 of
17 the Complaint.

18 61. Defendants deny the factual allegations contained in Paragraph 61 of
19 the Complaint.

20 62. Defendants restate and incorporate herein their responses to
21 Paragraphs 1 through 61 of the Complaint.

22 63. Defendants deny the factual allegations contained in Paragraph 63 of
23 the Complaint.

24 64. Defendants deny the factual allegations contained in Paragraph 64 of
25 the Complaint.

26 65. Defendants deny the factual allegations contained in Paragraph 65 of
27 the Complaint.

28 66. Defendants deny the factual allegations contained in Paragraph 66 of

1 the Complaint.

2 67. Defendants deny the factual allegations contained in Paragraph 67 of
3 the Complaint.

4 68. Defendants restate and incorporate herein their responses to
5 Paragraphs 1 through 67 of the Complaint.

6 69. Defendants deny the factual allegations contained in Paragraph 69 of
7 the Complaint.

8 70. Defendants deny the factual allegations contained in Paragraph 70 of
9 the Complaint.

10 71. Defendants deny the factual allegations contained in Paragraph 71 of
11 the Complaint.

12 72. Defendants deny the factual allegations contained in Paragraph 72 of
13 the Complaint.

14 73. Defendants restate and incorporate herein their responses to
15 Paragraphs 1 through 72 of the Complaint.

16 74. Defendants deny the factual allegations contained in Paragraph 74 of
17 the Complaint.

18 **AFFIRMATIVE DEFENSES**

19 **First Affirmative Defense**

20 Plaintiff's claims fail to state a cause of action upon which relief may be
21 granted.

22 **Second Affirmative Defense**

23 Plaintiff's claims are barred under the doctrine of estoppel.

24 **Third Affirmative Defense**

25 Plaintiff's claims are barred under the doctrines of laches and acquiescence.

26 **Fourth Affirmative Defense**

27 Plaintiff's claims are barred under the doctrine of unclean hands by virtue
28 of trademark misuse.

Fifth Affirmative Defense

Plaintiff's claims are barred under the doctrine of waiver.

WHEREFORE, Defendants pray that Plaintiff's claims be dismissed in their entirety and that Defendants recover their costs, including attorneys' fees, incurred in defense of this action.

DATED: June 10, 2013

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Edward R. Schwartz

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I certify that on June 10, 2013, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as **ANSWER** was served on the parties in this action by **U.S. MAIL** addressed as follows:

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I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on June 10, 2013 at Glendale, California.



Roxanne Gaines